

REMARKS

In an Office Action dated December 15, 2005, the Examiner rejected claim 25 under 35 U.S.C. 101 as directed to non-statutory subject matter; rejected claims 1-3, 6-9, 11, 12, 14-19, 21-23 and 25 under 35 U.S.C. 102(e) as anticipated by Catanoso. (US 6,892,388 B1); and rejected claims 4, 5, 10, 13, 20 and 24 under 35 U.S.C. 103(a) as unpatentable over *Catanoso*.

Non-Statutory Subject Matter

In response to the Examiner's non-statutory subject matter rejection of claim 25, applicant has amended claim 25 to recite "recordable signal-bearing media". Various examples of recordable type media are mentioned in the specification at page 14, line 4. As amended, the claim is limited to statutory subject matter.

Prior Art

Applicant has cancelled independent claim 11, and certain claims dependent from claim 11 have been amended to depend from claim 1. Applicant has amended all remaining independent claims herein to more specifically define the scope of the present invention. In particular, the claims have been amended to clarify (a) the automated nature of the method or system claimed; (b) that multiple images are generated, each associated with a different respective location at the event site; (c) that each location is occupied by a respective discrete subset of customers (or associated with a respective discrete subset of seats); and (d) that selection of the images by the customer is performed after image capture. As amended the claims are patentable over the cited art.

Applicant's invention is intended to provide a practical, automated method and device for generating customized souvenir images taken at an event, such as a sports event, concert, or the

like. Typically, such events are attended by a large number of persons, who remain in a fixed location, such as a specific numbered seat, during the event. It is generally not possible or practical to know in advance which attendees will want souvenir images; indeed, the desire to purchase a souvenir image often arises in the customer after the fact.

In accordance with applicant's invention, an automated device captures images of the spectator area (preferably, seating locations) during the event and associates each captured image with the location, which may be some discrete subset of the seats in the event facility. Preferably, each and every seat in the house is covered, so that the process can be completely automated, and does not require manual selection of persons or locations to capture. After the images are captured (e.g., at the conclusion of the event), the customer is allowed to view one or more captured images in which he appears by inputting location information in any of various ways to an automated interactive device, such as a kiosk. Responsive to that input, the device automatically retrieves the image or images associated with the input location, and displays the image(s) to the customer. The customer is preferably allowed to select an option for purchasing the image(s) in any of various forms.

Applicant does not claim to have invented the concept of souvenir images, which is well known. Applicant has invented a specific method and system for providing souvenir images to a mass audience on an automated basis. Various prior art techniques exist for generating souvenir images, but in general these involve a significant amount of manual intervention. In theory, it would be possible to manually generate thousands of images at a mass event, and to manually post the images on bulletin boards or the like for sale to customers at designated locations. This would not be a very practical or useful method for generating souvenir images of an event attended by thousands of people due to the high overhead of generating and selling the images.

Applicant's original claims were not sufficiently particular regarding certain significant features of applicant's claimed invention, particularly the fact that applicant's method is automated, captures multiple images before selection by the customer, and automatically correlates images to customers using the customer's location (e.g. seat) during the event.

Applicant's representative claim 1, as amended, recites:

1. A method of providing souvenir images to event site customers, comprising:
capturing image data during an event for automatically generating a plurality of images of different event site locations within an event site, wherein each image of said plurality of images is associated with a respective one of said event site locations, wherein *each said event site location is occupied during said event by a respective discrete subset of said event site customers;*
receiving, in an automated interactive device, an input from a customer specifying a desired event site location, said receiving step being performed after said step of capturing image data; and
responsive to said step of receiving a user input, *automatically displaying* to the customer in said automated interactive device at least one image associated with the desired event site location. [emphasis added]

The remaining independent claims, while not identical in scope, recite in general the significant features italicized above.

Catanoso, cited by the Examiner, discloses a computer-controlled system for capturing and combining images derived from multiple sources. Among the applications for his invention, *Catanoso* discloses that it can be used to capture souvenir images of individuals at amusement park rides. This is a well-known application which is also disclosed in the background section of applicant's specification.

A key aspect of applicant's invention is the notion of "location". As recited in applicant's claims, an "event site location" is not just a place. Specifically, in accordance with applicant's invention, a "location" is something which is occupied by a particular customer (or small subset

of customers) during the event, i.e. it is something equivalent to a seat having a fixed location in a stadium or similar facility. (Claim 24 actually requires the location to be a seat, but the remaining claims merely require a “location”, which could be a defined section or similar construct.) As recited in claim 1, “each said event site location is occupied during said event by a respective discrete subset of said event site customers...”

Catanoso discloses that riders on a particular amusement ride might be photographed. Such a ride certainly has a location in the general sense, but it is not an “event site location” as defined in applicant’s claims. There is no identifiable discrete subset of customers occupying the “location”, but instead a constant stream of customers.

Moreover, *Catanoso*’s system is not fully automated as claimed by applicants. *Catanoso* discloses a system which is computer controlled, but there is no disclosure of an automated kiosk or equivalent device which accepts input from the customer in the form of a location designation, and responsive to that input, automatically retrieves the previously captured image and displays it to the customer.

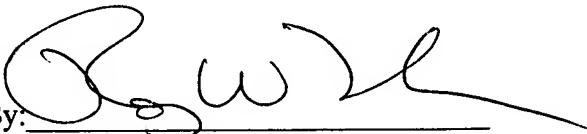
For the above reasons, the claims as amended are not anticipated by *Catanoso*. Nor are the claims obvious over *Catanoso*. *Catanoso*, despite the computer control, is essentially a manual system. There is nothing that would suggest applicant’s technique of capturing a large number of images each associated with a respective location at which attendees of an event are seated or situated during the event, and automatically making these available to the customer responsive to user input of the location.

In view of the foregoing, applicant submits that the claims are now in condition for allowance, and respectfully requests reconsideration and allowance of all claims. In addition, the

Examiner is encouraged to contact applicant's attorney by telephone if there are outstanding issues left to be resolved to place this case in condition for allowance.

Respectfully submitted,

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